



UNITED STATES POSTAL SERVICE
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LAW DEPARTMENT

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Federal Communications Commission
Office of the Secretary

July 1, 1992

Ms. Donna Searcy
Secretary, Federal Communications
Commission
1919 M Street, N.W.
Washington, D.C. 20554

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FILE

Dear Ms. Searcy:

Enclosed is the Postal Service's reply to your request for our views on the comments of the National Consumers League regarding tentative proposals contained in CC Docket No. 92-90. In the Matter of the Telephone Consumer Protection Act of 1991, published on April 30, 1992, at 57 FR 18445.

Sincerely,

Kenna L. Watson

for Stanley F. Mires
Assistant General Counsel
Legislative Division

Enclosure

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36 USC 380

We have reviewed the comments of the National Consumers League regarding tentative proposals contained in CC Docket No. 92-90, In the Matter of The Telephone Consumer Protection Act of 1991. While we understand the concerns which give rise to their comments, we strongly disagree with their proposal to have the Postal Service provide telemarketing firms with "opt out" lists of consumers who do not wish to receive telemarketing calls. The proposal calls for the Postal Service to provide space on its change-of-address form for a postal patron to indicate whether she or he wishes to receive telemarketing solicitations. It further calls for the change-of-address form to be redesigned so as to enable individuals who are not changing addresses to also indicate whether or not they wish to receive telemarketing calls.

The mission of the Postal Service is to deliver the mail promptly, reliably, and efficiently. We are highly concerned that the proposal could undermine the effectiveness and integrity of postal change-of-address procedures, removing them from their central postal purposes. The proposal seeks to capitalize on the public cooperation which postal change-of-address procedures enjoy, in order to secure the same cooperation for the prevention of telemarketing services. But anything tending to make postal change-of-address forms more complex and difficult to complete, or tending to diminish understanding and approval of the purposes for which the information will be used, can test the patience of those expected to submit the forms and reduce the quality of the

information supplied. In the present case, the meaning of the additional block would have to be conveyed to the customer simply and understandably. This would be hampered by the need to create a definition of the term "telemarketing" which is precise without being either over or underinclusive. Identification of "telemarketing" firms would be difficult, as well. The Postal Service would be placed in the position of having to decide which firms would be qualified to receive the "opt out" lists.

A database would have to be developed and incorporated into the Computerized Forwarding System with information about consumer telemarketing preferences. This newly created block on the change-of-address form would add additional operational complexity and, therefore, increase postal costs. In addition, we are concerned that this proposal may run counter to the language in 39 U.S.C. §412 prohibiting postal employees from making available to the public lists of names and addresses.

We also wonder whether such a program would raise customers' expectations that they will not receive calls from these types of businesses. Telemarketers, however, get their information from a variety of sources, and it is unlikely that telemarketing calls would be terminated as a result of a check-off block on the change-of-address form. Customers may then mistakenly blame the Postal Service for any telemarketing calls after they submit their form.

To sum, the Postal Service is seriously concerned that the proposal of the National Consumers League is not workable and would not be well received by the public. Adoption of this proposal would pose operational difficulties, add additional cost to the processing of change-of-address orders, create further consumer complexity, and not meet the goal of eliminating unwarranted telephone solicitation.